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Attorneys for William F. Bottoms, Mary A. Bottoms,
as individuals and as trustees for the Bottom Family
1989 Trust, and The Blue Oak Charitable Fund,
a California non-profit public benefit corporation

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JUN 20 PM 3:36
FEDERAL BUREAU OF INVESTIGATION
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY A BOTTOMS, as individuals and as trustees for the Bottoms Family 1989 Trust; THE BLUE OAK CHARITABLE FUND, a California non-profit public benefit corporation.

Plaintiff.

vs.

ATKN COMPANY OF CALIFORNIA, f/k/a
Guy F. Atkinson Company of California;
ATKN COMPANY, a Nevada corporation,
f/k/a Guy F. Atkinson Company, and DOES
1-100

Defendants.

CASE NO. C 05 03045 EMC

**STIPULATION AND ORDER
EXTENDING TIME TO ANSWER, AND
EXTENDING THE CASE SCHEDULE
AND INITIAL CASE MANAGEMENT
CONFERENCE; ORDER
[CIV. LOC. R. 6-2]**

The parties to this action respectfully request an additional extension of time for the defendants to answer the complaint and for the other deadlines associated with the Answer.

The Court graciously granted our last request for an extension of time on February 14, 2006. A copy of that Stipulation and Order is enclosed as Exhibit A.

As reported in earlier stipulations, the issue faced by the parties at this juncture of the case is identifying the insurance companies who may be responsible for defending and indemnifying

1 the defendant. There has been progress on this point. Several insurance companies have been in
 2 direct contact with counsel for the plaintiff. One requested that we seek this additional extension
 3 of time, to which plaintiff's counsel agreed. Other insurance companies have reported that they
 4 are searching for policies and attempting to determine how they fit into the insurance structure for
 5 the defendant. One insurance company has denied any responsibility to cover the defendant. The
 6 plaintiff has responded to them and suggested that the company reconsider its position.

7 Unfortunately, our estimate that the defendant would be in a position to answer by March
 8 21, 2006 proved to be too optimistic.

9 We have no interest in delaying the progress of this case indefinitely, but we recognize that
 10 it may prove more efficient in the long run to give the insurers another short extension of time, to
 11 allow them to reconnoiter their position positively determine whether they will be providing a
 12 defense or not, than to have them complain later that they were not given adequate ability to
 13 defend their insured.

14 Accordingly, the parties respectfully request that the Court allow an additional, short
 15 extension of time for the defendant to answer the complaint. We are requesting an additional 30
 16 days.

17 We suggest the following schedule:

	<u>Current Due Date</u>	<u>New Due Date</u>
Answer	3/21/06	4/20/06
Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	4/12/06	5/12/06
Last day to file Joint ADR Certification With Stipulation to ADR Process of Notice of Need for ADR Phone Conference	4/12/06	5/12/06

1 Last day to complete initial 4/26/06 5/26/06
2 disclosures or state objection in
3 Rule 26(f) Report, file/serve
4 Case Management Statement,
5 and file/serve Rule 26(f) Report
6
7 Case Management Conference 5/3/06 6/2/06
8 in Courtroom C, 15th Floor at
9 1:30 PM

10
11 We also request additional time for the parties to submit to the Court their stipulation to
12 allow Magistrate Chen to fulfill the role of District Court Judge in this matter.

13 SO STIPULATED:

14 *March 20*
15 DATED: February __, 2006

16 LELAND, PARACHINI, STEINBERG,
17 MATZGER & MELNICK, LLP

18
19 *March 20*
20 DATED: February __, 2006

21 *Henry Kevane*
22 By: _____
23 Mitchell Chyette
24 Attorneys for Mary A. Bottoms, as
25 individuals and as trustees for the Bottom
26 Family 1989 Trust, and The Blue Oak
27 Charitable Fund, a California non-profit
28 public benefit corporation

29
30 *Henry Kevane*
31 By: _____
32 Henry Kevane
33 Attorneys for ATK&N defendants

ORDER

Pursuant to the stipulation set forth above, the case management order and schedule are hereby changed to the dates set forth above.

Dated: March 21, 2006

Hon. Edward M. Chen
United States District Court for the Northern
District of California

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 6 as individuals and as trustees for the Bottom Family
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 08 FEB 14 PM 3:53
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

11 MARY A BOTTOMS, as individuals and as
 12 trustees for the Bottoms Family 1989 Trust;
 13 THE BLUE OAK CHARITABLE FUND, a
 14 California non-profit public benefit
 corporation,

15 Plaintiff,

16 vs.

17 ATKINSON COMPANY OF CALIFORNIA, f/k/a
 Guy F. Atkinson Company of California;
 18 ATKINSON COMPANY, a Nevada corporation,
 f/k/a Guy F. Atkinson Company, and DOES
 1- 100

19 Defendants.

CASE NO. C 05 03045 EMC

STIPULATION AND ORDER
 EXTENDING TIME TO ANSWER, AND
 EXTENDING THE CASE SCHEDULE
 AND INITIAL CASE MANAGEMENT
 CONFERENCE, ORDER
 [CIV. LOC. R. 6-2]

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21
 22 This action was filed on July 27, 2005. Counsel for the defendants executed a Notice of
 23 Waiver of Service on September 2, 2005. The parties stipulated to, and Court granted an
 24 extension of time to answer the complaint on October 13, 2005. An answer to the Complaint is
 25 currently due on February 21, 2006.

26 The parties respectfully request that the Court allow an additional, short extension of time
 27 for the defendant to answer the complaint. We are requesting an additional 30 days.

28 {S:\bottwj\0001\pid\440652.DOC}

STIPULATION AND ORDER EXTENDING TIME TO
 ANSWER, AND EXTENDING THE CASE SCHEDULE
 AND INITIAL CASE MANAGEMENT CONFERENCE

Exhibit A

1 The defendants are still in bankruptcy (U.S.Bankr. Ct. No. 97-33694-TC (N.D. Cal.)).
 2 Modified relief from the automatic stay was obtained by the plaintiff for the purpose of pursuing
 3 this claim to the extent of the defendants' insurance.
 4

5 This action involves a claim of environmental damage that extends for many years into the
 6 past. The plaintiffs submit that the identification of the insurers has been somewhat hampered by
 7 the lack of complete records on insurance going back far enough. The defendants have tendered
 8 the defense of this claim to those insurers that we have been able to identify. Additional responses
 9 to these requests have been received since the parties last requested an extension of time from the
 10 Court, but none of the insurance companies have agreed to defend the defendant. We remain in
 11 the process of determining whether the insurers who were notified actually insured the defendants
 12 and, if so, what their duties under their policies are.

13 We believe that this situation can be brought to conclusion within 30 days. Accordingly,
 14 the plaintiffs and the defendant hereby stipulates to an additional short extension of the time to
 15 answer.

16 We have made one previous request for an extension.

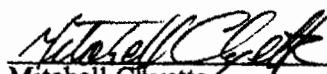
17 This extension of time has implications for the case management schedule. Accordingly,
 18 the parties stipulate that the case management schedule should be adjusted accordingly. By
 19 adding 30 days to the dates on the existing case management schedule, the parties respectfully
 20 submit that the schedule should be amended as follows:

	<u>Original due date</u>	<u>Previous Order</u>	<u>New Date</u>
Answer	10/24/05	2/21/06	3/21/06
Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	11/16/05	3/16/06	4/17/06 4/17/06 (cc)

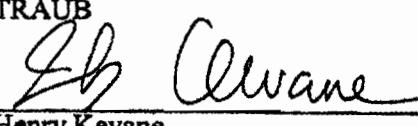
1	Last day to file Joint ADR Certification With Stipulation to ADR Process of Notice of Need for ADR Phone Conference	11/16/05	3/16/06	<u>4/17/06</u>
2				<i>(ave)</i>
3				
4	Last day to complete initial disclosures or state objection in Rule 26(f) Report, file/serve Case Management Statement, and file/serve Rule 26(f) Report	11/30/05	3/30/06	<u>5/1/06</u> <i>(ave)</i>
5				<i>(ave)</i>
6				
7	Case Management Conference in Courtroom C, 15th Floor at 1:30 PM	12/7/05	4/5/06	<u>5/3/06</u>
8				<i>(ave)</i>

SO STIPULATED:

DATED: February 14, 2006LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

By: 
 Mitchell Chyette
 Attorneys for Mary A. Bottoms, as
 individuals and as trustees for the Bottom
 Family 1989 Trust, and The Blue Oak
 Charitable Fund, a California non-profit
 public benefit corporation

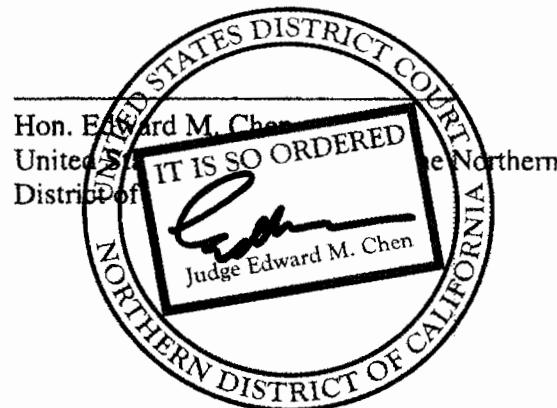
DATED: February 14, 2006PACHULSKI STANG ZIEHL YOUNG JONES
WEINTRAUB

By: 
 Henry Kevane
 Attorneys for ATKN defendants

ORDER

Pursuant to the stipulation set forth above, the case management order and schedule are hereby changed to the dates set forth above.

Dated: February 17, 2006



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